

REMARKS

The Examiner and the undersigned held a telephone interview. The pending claims and the prior art of record were discussed. No agreement on the final disposition of the claims was reached.

Claims 1, 3-4, and 8-11 have been amended. Support for the amendments indicated herein may be found at least in Figure 4 and between line 18 on page 12 and line 17 on page 13 of the present application. Claim 2 has been canceled. Pursuant to the amendments indicated herein, claims 1 and 3-11 are pending in the present application.

In the Office Action, claims 1-11 were rejected under the judicially created doctrine of obviousness-type double patenting as being obvious over claims 1-34 of U.S. Patent No. 5,943,425 (Mizikovsky). Pursuant to the amendments indicated herein, the Examiner's rejections are respectfully traversed.

Mizikovsky describes a re-authentication procedure for over-the-air activation of a mobile unit. Mizikovsky teaches that a mobile station uses the input parameters for an authentication algorithm to calculate the re-authentication response. See Mizikovsky, col. 4, ll. 54-67 and Figure 4. Mizikovsky therefore teaches away from re-authenticating an access terminal using a previously derived key in response to receiving a second CHAP challenge for re-authentication, as set forth in the pending claims. Applicants therefore respectfully submit that the pending claims (as amended herein) would not have been obvious over Mizikovsky and request that the Examiner's rejections of claims 1 and 3-11 under the judicially created doctrine of obviousness-type double patenting be withdrawn.

In the Office Action, claims 1-11 were rejected under the judicially created doctrine of obviousness-type double patenting as being obvious over claims 1-18 of U.S. Patent No.

6,950,521 (Marcovici). Pursuant to the amendments indicated herein, the Examiner's rejections are respectfully traversed.

Marcovici describes a method of repeated authentication of a user subscription identity module (USIM). The established security association with the mobile's USIM can be challenged by transmitting a new random number in a challenge message. The system then repeats the conventional mutual authentication procedure. Marcovici teaches that the authentication information (AUTH) must be recomputed during the challenge procedure. See Figure 2 and related discussion in the specification of Marcovici. Marcovici therefore teaches away from re-authenticating an access terminal using a previously derived key in response to receiving a second CHAP challenge for re-authentication, as set forth in the pending claims. Applicants therefore respectfully submit that the pending claims (as amended herein) would not have been obvious over Marcovici and request that the Examiner's rejections of claims 1-11 under the judicially created doctrine of obviousness-type double patenting be withdrawn.

In the Office Action, claim 11 was rejected under 35 U.S.C. § 101 for allegedly being directed to non-statutory subject matter. Claim 11 explicitly sets forth operations performed by an access terminal and is therefore tied to a particular machine or apparatus. Applicants therefore respectfully submit that claim 11 is directed to statutory subject matter and request that the Examiner's rejection of claim 11 under 35 U.S.C. § 101 be withdrawn.

In the Office Action, the Examiner objected to the pending claims and requested that all acronyms be expanded. Applicants have amended the pending claims to define all the acronyms used in the claims. Applicants respectfully request that the Examiner's objections to the claims be withdrawn.

In the Office Action, the Examiner rejected claims 1-10 under 35 U.S.C. § 112, second paragraph, for allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicants regard as the invention. Applicants have amended the pending claims to set forth subject matter related to Figure 4, as discussed with the Examiner during the telephone interview. Pursuant to these amendments, Applicants respectfully submit that claims 1-10 are definite and request that the Examiner's rejections of claims 1-10 under 35 U.S.C. § 112, second paragraph, be withdrawn.

In the Office Action, claims 1-11 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Roble, et al. (U.S. Patent Application Publication No. 2005/0251681). Pursuant to the amendments indicated herein, Examiner's rejections are respectfully traversed.

Roble describes a conventional access terminal that includes a SIM card, which is used to store secret keys. The access terminal can request these keys from the card during authentication to the network. However, this conventional technique does not provide any mechanism that allows the access terminal (or mobile shell) to authenticate the SIM card. See Roble, Figures 5-6. Applicants therefore respectfully submit that Roble does not describe or suggest performing an authentication process at the user subscriber identity module card in conjunction with another authentication process performed at the mobile shell, as set forth in the pending claims. Furthermore, as discussed with the Examiner during a telephone interview, Roble does not describe or suggest re-authenticating the mobile unit using a secret key that was derived during a previous authentication process.

For at least the aforementioned reasons, Applicants respectfully submit that the pending claims (as amended herein) are not anticipated by Roble and request that the Examiner's rejections of claims 1 and 3-11 under 35 U.S.C. § 102(e) be withdrawn.

For the aforementioned reasons, it is respectfully submitted that all claims pending in the present application are in condition for allowance. The Examiner is invited to contact the undersigned at (713) 934-4052 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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